

## **CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 205**

**Citations Affected:** IC 13-20-2-9.

**Synopsis:** Environmental law. CONFERENCE COMMITTEE REPORT FOR ESB 205. Provides that a person that: (1) holds a valid solid waste landfill construction permit that authorizes construction for a facility that has not been substantially developed; and (2) has not commenced construction within five years after the date of the permit or another period established by rule or statute; must apply for a new construction permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought. Provides that a person that: (1) holds a valid solid waste landfill construction permit that authorizes construction at an operating facility; and (2) has not commenced construction within five years after the date of the permit or another period established by rule or statute; must meet the requirements of all applicable environmental laws existing at the time construction is substantially commenced. Provides that the construction periods are tolled pending administrative appeals or judicial reviews concerning the construction permit. **(This conference committee report deletes: (1) all provisions concerning artifacts, burial grounds, and archeology; and (2) a requirement that the Indiana real estate commission disclosure form identify any part of the sold property that was subject to surface mining during a certain period.)**

**Effective:** July 1, 2007.

Adopted

Rejected

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 205 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 environmental law.
- 4 Delete everything after the enacting clause and insert:
- 5 SECTION 1. IC 13-20-2-9 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2007]: **Sec. 9. (a) A person that:**
- 8 **(1) holds a valid construction permit that is issued under this**
- 9 **chapter and authorizes construction for a facility that has not**
- 10 **been substantially developed; and**
- 11 **(2) has not commenced construction within:**
- 12 **(A) five (5) years after the date of the permit; or**
- 13 **(B) another period established by rule or statute;**
- 14 **must apply for a new construction permit and meet the**
- 15 **requirements of all applicable environmental laws existing at the**
- 16 **time the new permit is sought.**
- 17 **(b) A person that:**
- 18 **(1) holds a valid construction permit that is issued under this**
- 19 **chapter and authorizes construction at an operating facility;**
- 20 **and**
- 21 **(2) has not commenced construction within:**
- 22 **(A) five (5) years after the date of the permit; or**

1           **(B) another period established by rule or statute;**  
2       **must meet the requirements of all applicable environmental laws**  
3       **existing at the time construction is substantially commenced.**

4           **(c) The periods described in subsections (a) and (b) for a person**  
5       **to commence construction are tolled pending either of the**  
6       **following concerning the construction permit:**

7           **(1) An administrative appeal.**

8           **(2) A judicial review.**

(Reference is to ESB 205 as printed April 6, 2007.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 205**

**S**igned by:

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Senator Gard  
Chairperson

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Representative Dvorak

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Senator Hume

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Representative Wolkins

**Senate Conferees**

**House Conferees**